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### REMARKS/ARGUMENTS

There are no amendments to the specification or drawings herein.

In the Claims, Claims 29-37 are pending in the application. Claim 36 is rejoined with elected Claims 29-35. The restriction of Claim 37 was made final. Claims 29-36 are rejected. New Claims 38-48 are added. Reconsideration is respectfully requested.

The Examiner is thanked for the reconsideration and rejoining of Group II, Claim 36, with the elected Group I, Claims 29-35. With regard to the Examiner's decision to make final the withdrawal of Group III (Claim 37), Applicant reserves the right to petition the Commissioner under 37 C.F.R. 1.144 to review the restriction requirement of Group III (Claim 37).

Applicant appreciates the Examiner's withdrawal of a previous rejection of Claims 29-35 under 35 U.S.C. 112, first paragraph (written description); withdrawal of a previous rejection of Claims 29-35 under 35 U.S.C. 112, second paragraph; and withdrawal of a previous rejection of Claim 29 under 35 U.S.C. 102(b) as anticipated by Cozzette et al. (USPN 5,063,081).

Claims 29-36 were rejected 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. While the Examiner withdrew the previous 35 U.S.C. 112, first paragraph, rejection of Claims 29-35, the Examiner asserted a different reason to reject the claims, including rejoined Claim 36, under 35 U.S.C. 112, first paragraph. Moreover, the Examiner continued to make clear that the rejection under 35 U.S.C. 112, first paragraph, was a "written description" rejection. The Examiner contended that the specification does not sufficiently teach a broad genus of compound (i.e., NMF) for use in the presently claimed method of base Claims 29 and 36. Specifically, the Examiner contended, "[t]he claimed compound (NMF) would encompass an infinite number of compounds such as silicone oil, petroleum jelly, or epoxy since no distinguishing structural attributes are provided for the claimed compound (NMF) other than its functionalities (i.e., NMF is inert,

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immiscible and insoluble in aqueous solution)". The Examiner concluded, "the broad genus of compound (i.e., NMF) for use in the presently claimed method is not taught by the specification. Therefore, only the method of using the NMF listed on Table 1 [of the specification at page 21], but not the full breadth of the claimed method meet the written description provisions of 35 U.S.C. 112, first paragraph."

Applicant respectfully traverses the rejection of Claims 29-36 under 35 U.S.C. 112, first paragraph (written description). Applicant submits that the rejected claims are all as originally filed with the original specification. No amendments to the claims, specification or drawings have been made. Moreover, there is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed (*In re Wertheim*, 541 F.2d 257, 262-263, 191 USPQ 90, 96-97 (CCPA 1976)). Therefore, it is respectfully submitted that Applicant has met the written description requirement of 35 U.S.C. 112, first paragraph. Moreover, the Examiner has the initial burden of showing a *prima facie* case of noncompliance with the written description requirement of 35 U.S.C. 112, first paragraph, which is based on facts. It is respectfully submitted that the Examiner has failed to show that the application does not reasonably describe or convey the concepts of the claimed invention to one of ordinary skill in the art at the time the patent application was filed.

The Examiner specifically contended, "[t]he specification disclosure does not sufficiently teach the broad genus of compound (i.e., NMF) for use in the presently claimed method. The claimed compound (NMF) would encompass an infinite number of compounds such as silicone oil, petroleum jelly, or epoxy since no distinguishing structural attributes are provided for the claimed compound (NMF) other than its functionalities (i.e., NMF is inert, immiscible and insoluble in aqueous solution)".

Applicant earnestly disagrees with the Examiner's contention. The specification does provide sufficient disclosure of an NMF for use in the presently claimed method. The claimed invention is intended to use any fluid that meets the requirements of being inert, immiscible and insoluble in aqueous solution and is not intended to be limited to any particular genus or species of a 'compound', as contended by the Examiner. Moreover, Applicant disagrees that "being inert, immiscible and insoluble

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in aqueous solution" are simply "functionalities" of the NMF and respectfully points out that such characteristics are physical properties of the NMF.

Applicant directs the Examiner to Applicant's Specification at page 18, line 28 to page 19, line 20. The Specification clearly describes numerous characteristics of the NMF, as well as the function of the NMF in relation to the claimed method. Further, at page 19, lines 22-23, the Specification clearly identifies, "[s]ome NMF that are particularly useful for the invention", which are listed in Table 1 therein. The Specification makes clear, "[t]he list in Table 1 *is illustrative only*. As long as the NMF has the characteristics described above [e.g., page 18, line 28 to page 19, line 20 of Applicant's Specification], it is within the scope of the invention." (*Emphasis is added.*) Therefore, Applicant never intended that the method of the present invention be limited to a "genus of compound", as originally filed. In fact, Applicant does not claim a 'genus compound NMF', but instead claims a nonmiscible fluid intended to provide protective or shielding features to reactants and reactions that it covers. The NMF has the properties of being inert, immiscible and insoluble in aqueous solution in order to provide those features. Therefore, Applicant's specification does convey with reasonable clarity to those skilled in the art that Applicant was in possession of the invention as claimed. *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991).

Applicant respectfully submits that if the Examiner's choices of "silicone oil, petroleum jelly or epoxy" actually have the physical characteristics or properties described in Applicant's specification as filed, then they are intended to be included in the scope of the method of the present invention; as presently and originally claimed. The NMF is not a 'broad genus compound', but instead the NMF may be considered a means to achieve an end. The examples provided in Table 1 of Applicant's Specification are exemplary NMFs that have the claimed characteristics of the NMF. These examples, along with the described properties of the NMF and the method of using the NMF, are sufficient to convey with clarity to the skilled artisan that Applicant was in possession of the claimed invention at the time the application was filed.

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The Federal Circuit has held that the, "inquiry is primarily factual and depends on the nature of the invention and the amount of knowledge imparted to those skilled in the art by the disclosure" *In re Wertheim*, 541 F.2d at 262, 191 USPQ at 96. Applicant submits that the disclosure provides a sufficient amount of knowledge to those skilled in the art to select a NMF for the purposes of the method. For example, see *In re Smythe*, 480 F.2d 1376, 1383, 178 USPQ 279, 285 (CCPA) 1973), where the court held that "the phrase 'air or other gas which is inert to the liquid' was sufficient to support a claim to 'inert fluid media' because the description of the properties and functions of the air or other gas segmentizing medium would suggest to a person skilled in the art that appellant's invention includes the use of 'inert fluid' broadly" (from MPEP §2163, 3. (a) ii)). Also see, for example, *In re Newton*, 414 F.2d 1400, 1406, 163 USPQ 34, 39 (C.C.P.A. 1969), where the court indicated that generally, an applicant may be allowed claims that cover more than the disclosed embodiments (the prior art permitting), especially for inventions in predictable arts. Moreover, the courts have indicated that depending on the facts of the case, the written description requirement may be satisfied even if claims cover more than what is described in the specification (*In re Smythe*, cited *supra*).

Since there is a strong presumption that that an adequate written description of the claimed invention is present in the specification as filed (*In re Wertheim*, cited *supra*) and respectfully, the Examiner has failed to provide sufficient evidence or reasons why the written description is inadequate, then Applicant declines to amend base Claim 29 and 36 to limit the NMF to those listed in Table 1. Claims 30-35 ultimately depend from Claim 29. The Examiner has not cited any grounds beyond those applied to Claim 29 to also reject Claims 30-35 under 35 U.S.C. 112, first paragraph. As such, Applicant also declines to amend Claims 30-35 in response to this rejection. For all the reasons set forth above, reconsideration and withdrawal of the written description rejection of Claims 29-36 under 35 U.S.C. 112, first paragraph, for lack of *prima facie* support are respectfully requested.

Claims 29-35 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner contended in part, "[i]t is unclear as to how the biopolymer links to the surface when the surface is 'covered'

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with the non-miscible fluid (NMF) as claimed in claim 29." The Examiner further contended in part, "[s]ince the surface is covered with NMF prior to linking of the biopolymer to the surface, it is unclear how would the biopolymer diffuse or pass through the NMF such that the biopolymer can link to the surface".

Applicant traverses the rejection of Claims 29-35 under 35 U.S.C. 112, second paragraph. Claim 29 does not recite "how the biopolymer passes through the NMF", as contended by the Examiner. Instead, Claim 29, as filed, broadly includes within its scope an embodiment wherein the NMF is added *after* the deposition of the biopolymer solution to the surface and an embodiment wherein the NMF is added *with (or at the same time of)* the deposition of the biopolymer solution to the surface as well as an embodiment where the NMF is added *before* the biopolymer is so deposited. Direct evidence of the breadth of Claim 29 is provided by Applicant's specification and Claims 30, 32-35. In particular, Claims 30, 32-35 differentiate the embodiments of Claim 29 by being limited to the embodiment to where the NMF is added before the biopolymer solution is deposited. Since the Examiner has not cited any prior art that would limit the scope of Claim 29 to any particular embodiment, then Claim 29, as filed, rightly claims these embodiments broadly. Therefore, the Examiner should not be confused about diffusion with respect to Claim 29, and the Examiner's reason for rejecting Claim 29 under 35 U.S.C. 112, second paragraph, respectfully should be reconsidered and withdrawn.

With respect to Claim 30, the NMF is deposited first and the biopolymer is deposited *through* the NMF to the surface for linkage. Since there are numerous ways to deposit the biopolymer through the NMF in the array fabrication art, Claim 30 is intended to include these ways broadly (see Applicant's specification, page 2, lines 10-22 and page 27, lines 29-31, for example). Applicant's specification makes clear that the biopolymer solution travels through the NMF to the linkage site on the array surface by diffusion and/or the placement means used. For example, in some embodiments, the NMF is different in density from the biopolymer solution so that the biopolymer solution effectively travels through the NMF. See Applicant's Specification at page 24, lines 13-19, for example. Depending on the method of deposition used, the NMF may be either lower or higher in density than the biopolymer solution to facilitate diffusion. In addition, the surface tension of the

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different fluids facilitates the movement of the biopolymer solution, as well as the type of the deposition system used. One skilled in the art, having the information recited in Claim 30, would readily understand, without undue experimentation, 'how' the biopolymer solution would diffuse or pass through the NMF such that the biopolymer can link to the surface. Moreover, Applicant's Specification, at least on the pages cited hereinabove, provides information for the skilled artisan. It is respectfully submitted that this is not 'unclear' to a skilled artisan, contrary to that contended by the Examiner.

Moreover, it is respectfully submitted that it is not necessary for the claims to "recite how the biopolymer passes through the NMF such that it can link to the surface", as contended by the Examiner. Applicant's Specification provides sufficient disclosure for one skilled in the art to understand the claims. For the reasons set forth herein, reconsideration and withdrawal of the rejection under 35 U.S.C. 112, second paragraph, are respectfully requested.

Claims 32-35 further differentiate the deposition system used to deposit the biopolymer solution. In Claims 32-35, the recited deposition system is a pulsejet deposition system. The embodiments claimed in Claims 32-35 take advantage of the speed or force with which the pulsejet ejects the biopolymer solution into the NMF to facilitate diffusion through the NMF. See Applicant's Specification at page 24, lines 19-24. Pulsejet deposition systems are known in the art. Therefore, one skilled the art simply would not have an issue with diffusion through the NMF, as contended by the Examiner, with the pulsejet deposition system claimed in Claims 32-35, given Applicant's specification and claims, as originally filed. Reconsideration and withdrawal of the 35 U.S.C. 112, second paragraph, rejection of Claims 32-35 are respectfully requested.

The Examiner further contended that Claim 31 was vague and indefinite because of being incomplete. The Examiner contended that Claim 31 was incomplete because the biopolymers are deprotected and "what?" in an aqueous solution (*Emphasis is added*). It is respectfully submitted that Claim 31 is not incomplete. The biopolymers *are* in an aqueous solution. Repetition of the verb 'are' in the claim language is not necessary in the claim. One skilled in the art would have no problem interpreting

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Claim 31 as 'the biopolymers *are* deprotected and [*are*] in an aqueous solution', without the additional recitation of the verb '*are*'. Reconsideration and withdrawal of the rejection of Claim 31 under 35 U.S.C. 112, second paragraph, are respectfully requested.

The Examiner further contended that there was insufficient antecedent basis for the limitation "the loaded solution" in line 1 of Claim 33. Again, Applicant respectfully disagrees and points out that Claim 33 is dependent from Claim 32, where it is recited in part, "depositing comprises the step of loading the biopolymer solution into a pulsejet of a deposition system". Therefore, "the loaded solution" gets its antecedence from "*loading* the biopolymer *solution* into a pulsejet ..." (*emphasis added*). One skilled in the art would not find this vague and indefinite. According to Claim 33, the biopolymer is deprotected at the time the solution is loaded into the pulsejet. Reconsideration and withdrawal of the rejection of Claim 33 under 35 U.S.C. 112, second paragraph, are respectfully requested.

According to 35 U.S.C. 112, second paragraph, an applicant must "set forth the subject matter that an applicant regards as the invention" in the claims, and "particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant". Applicant asserts that Claims 29-35 meet these requirements. Therefore, it is respectfully submitted that the Examiner's rejection of Claims 29-35 as indefinite under 35 U.S.C. 112, second paragraph, is without merit and should be withdrawn. Reconsideration is respectfully requested.

Claims 29, 31 and 34 were rejected under 35 U.S.C. 102(b) as being anticipated by Pease et al., U.S. Patent No. 5,999,695, (hereafter Pease '695). The Examiner asserted that Pease '695 disclose a method of synthesizing an array of polymers at Col. 1, lines 50-63 and Col. 2, lines 20-27. The Examiner contended, "the method [of Pease '695] comprises the steps of applying barrier materials (NMF) onto the surface of the substrate and attaching the polymers onto the surface", relying on Col. 10, lines 10-21; Col. 11, lines 1-26; and Col. 13, line 59 to Col. 14, line 14, of Pease '695. The Examiner further contended, "[t]he barrier material comprises materials such as oil, silicone oil, or lacquer", and cited Col. 12, line 30 to Col. 13, line 11 of Pease '695. The Examiner still further contended, "[t]he polymers are applied to the substrate for

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linkage via printing method such as ink jet printing (i.e., loading the reactive (deprotected) polymer into the ink jet printer and injecting onto the substrate for linkage)", and cited Col. 10, lines 22-36; Col. 12, lines 38-49; and Col. 13, lines 59-63 of Pease '695. The Examiner concluded, "[t]herefore, the method of Pease et al. anticipates the presently claimed method".

Applicant traverses the rejection on the grounds that the Examiner had failed to establish a *prima facie* case of anticipation with respect to Pease '695. For example, the Examiner contended that Pease '695 disclose a method of synthesizing an array of polymers, in particular contending that Pease '695 disclose "attaching the *polymers* onto the surface" (*emphasis added*). In fact, however, Pease '695 actually discloses synthesizing the polymer array from *monomer units*, i.e., using well-known *in situ* synthesis. See "e.g., standard DMT-based oligonucleotide synthesis chemistry" at Col. 1, lines 50-55; "... monomer addition cycle whereby a monomer unit is covalently linked to a nascent polymer or linker ..." at Col. 2, lines 46-48; and "[t]he subsequently applied reagent is typically a monomer (e.g., nucleotide, nucleoside, nucleoside derivative, amino acid and the like) ..." at Col. 2, lines 55-57 of Pease '695, for example. Therefore, contrary to that contended by the Examiner, Pease '695 disclose attaching *monomers* onto the surface to *in situ* synthesize polymers, but does not disclose and is silent on attaching *polymers*.

Applicant's Claims 29, 31 and 34 are directed to and recite a method of fabricating a biopolymer array from pre-synthesized biopolymers, wherein a solution of the pre-synthesized biopolymer is deposited on an array surface for linkage to the surface. Nowhere in Pease '695 is a method disclosed for fabricating an array of biopolymers from *pre-synthesized polymers*. Therefore, Pease '695 fail to disclose "depositing the biopolymer solution on the array surface ...", wherein the biopolymer solution is defined as "pre-synthesized biopolymers ... in solution for linking", as claimed in Claims 29, 31 and 34.

For *prima facie* anticipation to be established, the Federal Circuit has held, "there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 18 USPQ 2d



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1001, 1010 (Fed. Cir. 1991). It is respectfully submitted that one skilled in the art would recognize a difference between *in situ* synthesis of an array using *monomers* and array fabrication using *pre-synthesized polymers*. Furthermore, the court has held, "[a]nticipation requires the disclosure in a single prior art reference each element of the claim under consideration" (*W.L. Gore & Associates v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983) *cert. denied*, 469 U.S. 851 (1984)). Pease '695 fail to disclose using pre-synthesized polymers to fabricate an array. In addition, the court has made clear that "[a]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)). Clearly, lacking any disclosure of attaching *pre-synthesized polymers*, the Examiner cannot show that Pease '695 disclose each element of Applicant's claimed invention arranged as in Applicant's Claims 29, 31 and 34. For at least these reasons, the Examiner has failed to establish a *prima facie* case of anticipation by Pease '695 of Claims 29, 31 and 34.

Moreover in rejecting Claims 29, 31 and 34, the Examiner correlated the 'barrier materials' disclosed by Pease '695 with Applicant's claimed NMF. However, Pease '695 discloses that the barrier materials function to block or preclude monomer addition synthesis in regions of the substrate that the barrier material is applied, while in regions not blocked by the barrier material, monomer addition synthesis is allowed to proceed (see at least Col. 2, lines 8-15, lines 33-37, and lines 41-55 and Col. 2, line 64 to Col. 3, line 8 of Pease '695).

In contrast, Applicant's NMF functions to allow the pre-synthesized biopolymer to link to the substrate in locations where the NMF is added. The NMF blocks evaporation of the biopolymer solution from the substrate to facilitate linkage (see at least page 28, lines 12-18 of Applicant's specification). Therefore, according to Claims 29, 31 and 34, the NMF is provided where linkage of the biopolymer to the surface is intended. For example, Claim 34 recites in part, "depositing comprises ... ejecting the solution as droplets into the NMF at the feature location for linkage". This is in contrast to the 'barrier materials' of Pease '695, wherein the barrier materials are *not* provided where linkage of a monomer is intended.

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The Federal Circuit has indicated, "[i]n deciding the issue of anticipation, the trier of fact must identify the elements of the claims, determine their meaning in light of the specification and prosecution history, and identify corresponding elements disclosed in the allegedly anticipating reference" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, cited *supra*. Clearly, Applicant's NMF is neither the same as nor corresponds to the 'barrier materials' disclosed by Pease '695, contrary to that contended by the Examiner. The barrier materials disclosed by Pease '695 are not used to facilitate linkage, but instead are used for blocking linkage at predetermined feature locations that the barrier material covers, such that linkage occurs only in predetermined locations not covered by the barrier material. The barrier materials of Pease '695 are used differently from and function oppositely to the NMF claimed by Applicant, contrary to that contended by the Examiner. Therefore, in addition to Pease '695 lacking a disclosure of depositing *pre-synthesized biopolymers*, a difference also exists between Applicant's claimed NMF and the 'barrier materials' disclosed by Pease '695, as viewed by one of ordinary skill in the art (*Scripps Clinic & Research Found. V. Genentech Inc.*, cited *supra*).

It is respectfully submitted that the Examiner's contentions of what Pease '695 actually discloses are unsupported by the facts. Hence, the Examiner has failed to establish a *prima facie* case of anticipation by Pease '695 of Claims 29, 31 and 34, since the Examiner failed to show that Pease '695 disclose each and every element of the claimed invention (*W.L. Gore & Associates v. Garlock*, cited *supra*), arranged as in the claim (*Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, cited *supra*). The rejection of Claims 29, 31 and 34 under 35 U.S.C. 102(b) is unsupported and must be withdrawn. Reconsideration and withdrawal of the rejection of Claims 29, 31 and 34 are respectfully requested.

Claims 29, 31 and 34 were rejected under 35 U.S.C. 102(b) as being anticipated by Pease et al., U.S. Patent No. 5,831,070, (hereafter Pease '070). The Examiner asserted that Pease '070 disclose a method of synthesizing an array of polymers at Col. 1, lines 53-65 and Col. 2, lines 22-29. The Examiner contended, "the method [of Pease '070] comprises the steps of applying barrier materials (NMF) onto the surface of the substrate and attaching the polymers onto the surface", relying on Col. 10, lines 23-39; Col. 11, lines 16-44; and Col. 14, lines 10-32, of Pease '070. The Examiner

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further contended, "[t]he barrier material comprises materials such as oil, silicone oil, or lacquer", and cited Col. 13, lines 10-29 of Pease '070. The Examiner still further contended, "[t]he polymers are applied to the substrate for linkage via printing method such as ink jet printing (i.e., loading the reactive (deprotected) polymer into the ink jet printer and injecting onto the substrate for linkage)", and cited Col. 10, lines 40-54; Col. 12, lines 56-67; and Col. 14, lines 10-14 of Pease '070. The Examiner concluded, "[t]herefore, the method of Pease et al. anticipates the presently claimed method".

Applicant traverses the rejection on the grounds that the Examiner had failed to establish a *prima facie* case of anticipation with respect to Pease '070. Specifically, Pease '070 is a continuation of Pease '695 (see 'Related U.S. Application Data' on Pease '070) and does not provide any additional facts to support the Examiner's 35 U.S.C. 102(b) anticipation rejection of Applicant's Claims 29, 31 and 34. In fact, the reasons for rejection are verbatim from the prior 35 U.S.C. 102(b) rejection with respect to Pease '695 (but for the column and line numbers relied upon). Since Applicant has provided above respectfully convincing arguments that Pease '695 does not and cannot disclose Applicant's invention according to Claims 29, 31 and 34, then Pease '070 does not and cannot disclose the claimed invention of Claims 29, 31 and 34 for at least the same reasons provided above. It is respectfully submitted that the Examiner has failed to establish a *prima facie* case of anticipation under 35 U.S.C. 102(b) by Pease '070. For at least the reasons set forth above, reconsideration and withdrawal of the rejection of Claims 29, 31 and 34 with respect to Pease '070 are respectfully requested.

New Claims 38-48 are added to emphasize some of the features of the method of Applicant's invention. New Claim 38 is dependent from original Claim 36 and new Claims 39-40 are dependent from original Claim 29. Support for Claims 38-40 can be found in Applicant's Specification on page 18, lines 30-31; page 22, lines 1-4; page 24, lines 25-29; page 28, lines 12-18; page 29, lines 8-16 and lines 27-29; and in the Abstract on page 39, lines 24-30, for example. New Claims 41-44 are also dependent from Claim 29. Support for new Claims 41-43 can be found in Applicant's Specification on page 21, lines 9-10, for example. Support for new Claim 44 can be found in Applicant's Specification on page 21, Table 1, for example. Support for new

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Claim 45 can be found in Applicant's Claims 29, 34 and 37, as originally filed, and in Applicant's Specification at least on page 8, lines 3-4; page 18, lines 30-31; and the Abstract on page 39, lines 16-19, for example. Claims 46-48 are dependent from new Claim 45. Support for new Claim 46 is the same as provided above for new Claim 40. Support for new Claim 47 can be found in Claim 31, as originally filed. Moreover, support for new Claim 48 is the same as provided above for new Claim 44.

It is respectfully submitted that new Claims 38-48 do not add new matter and are fully supported by Applicant's Specification, as filed. Moreover, new Claims 38-48 are patentable for at least the same reasons set forth above for Claims 29-36. Consideration and allowance of new Claims 38-48 are respectfully requested.

In summary, Claims 29-36 were pending. Claim 37 was withdrawn. New Claims 38-48 are added herein. Claims 29-36 were rejected. For at least the reasons provided above, Claims 29-36 and new Claims 38-48 are in condition for allowance. It is respectfully requested that Claims 29-36 and new Claims 38-48 be allowed, and that the application be passed to issue at an early date.

Should the Examiner have any questions regarding the above, please contact the undersigned, Elizabeth E. Leitereg, telephone number (775) 849-3085, or Diame M. Rees, Attorney for Applicant, Registration No. 45,281 at Agilent Technologies, Inc., telephone number (650) 485-5999.

Respectfully submitted,

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Sept. 1, 2004  
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